

CHAPTER 15

SOLID WASTE MANAGEMENT

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CHAPTER 15

SOLID WASTE MANAGEMENT

15.100 SOLID WASTE MANAGEMENT SYSTEM

15.101 Title

This ordinance shall be known as the Oconto County Solid Waste Management Ordinance.

15.102 Authority and Purpose

(a) The general purpose of this Ordinance is to protect and promote the health and general welfare of the people and communities within Oconto County under the authority granted by Wisconsin Statutes and Wisconsin Administrative Codes through the operation of a Solid Waste Management System pursuant to the provisions outlined herein.

(b) There is hereby created an Oconto County Solid Waste Management System and an Oconto County Solid Waste Committee, to operate the Solid Waste Management System.

(c) The membership of the Solid Waste Committee shall be appointed by the County Board Chairman under the rules of the County Board.

(d) Organization:

(1) The Solid Waste Committee shall bi-annually elect a Chairperson, Vice-Chair and Secretary. Meetings shall be held at such times and at such places as the Committee may determine.

(2) The Committee shall have the power to adopt, amend and repeal rules and regulations governing its procedure and operations and that are not inconsistent with this ordinance.

(3) The Committee shall be paid per diem as authorized by the county board and shall be reimbursed for their actual and necessary expenses.

(4) All funds received or collected by the Committee shall be deposited with the Oconto County Treasurer. Disbursement of funds shall be made by the County Treasurer upon receipt of a voucher or statement signed by the Committee stating that the expenditure has been authorized and approved.

15.103 Responsibilities. It shall be the responsibility of the Committee to supervise and manage the collection and disposal of solid waste in Oconto County in accordance with the rules and regulations established by the Department of Natural Resources for the State of Wisconsin and by the Oconto County Board of Supervisors concerning solid waste management.

15.104 Powers: The Solid Waste Committee shall have the following powers, subject to the restrictions on powers set forth in subsection (5).

(a) Develop plans for a Solid Waste Management System.

(b) Hire a manager and other personnel trained and experienced in solid waste management and such other personnel as may be necessary to properly supervise and execute the solid waste collection and disposal plans adopted by the Oconto County Board of Supervisors. Establish salaries for such personnel and terms of employment.

(c) Engage and compensate consultants or other persons who can provide the necessary expertise in solid waste disposal site investigations and operations.

(d) Within Oconto County, collect, transport, dispose of, destroy or transform wastes including, without restriction because of enumeration, garbage, ashes, or incinerator residue, municipal, domestic agricultural, industrial and commercial rubbish, waste or refuse material, including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes.

(e) Acquire lands by purchase, lease, donation or eminent domain, within the county, for use in the solid waste management system.

(f) Authorize employees or agents to enter upon lands to conduct reasonable and necessary investigations and tests to determine the suitability of sites for solid waste management activities whenever permission is obtained from the property owner.

(g) Acquire by purchase, lease, donation or eminent domain such easements or other limited interests in lands as are desired or needed to assure compatible land uses in the environs of any site that is part of the solid waste disposal system.

(h) Establish operations and methods of waste management as are deemed appropriate. Waste burial operations shall be in accordance with sanitary landfill methods and the sites shall, insofar as practicable, be restored and made suitable for attractive recreational or productive use upon completion of waste disposal operations.

(i) Acquire necessary equipment and materials, use equipment and facilities of the county highway agency, and other county agencies, to construct, equip and operate incinerators or other structures to be used in resource recovery in the solid waste management system.

(j) Recommend to the Oconto County Board of Supervisors the amendment of this ordinance or adoption of other ordinances necessary for the conduct of the solid waste management system and enforce all solid waste collection and disposal regulations and

ordinances.

(k) Contract with private collectors or transporters or municipalities to receive and dispose of waste and as appropriate, contract with private persons or municipalities for the development and operation of solid waste disposal sites or facilities.

(l) Keep records of the source and quantity of all solid waste going into the disposal sites.

(m) Adopt and enforce regulations for individual garbage and refuse storage, handling, collection and disposal as required by law.

(n) License and regulate private collectors and private disposal operators.

(o) Engage in, sponsor or co-sponsor research and demonstration projects intended to improve the techniques of solid waste management through resource recovery or recycling of materials and resources included within the wastes. Coordinate such programs on a county-wide basis.

(p) Accept funds derived from state or federal grant or assistance programs and enter into necessary contracts of agreements.

(q) Establish and charge reasonable fees, approximately commensurate with the costs of services rendered to municipalities or persons using the services of the county solid waste management system. Fees may include a reasonable charge for depreciation which shall create a reserve for future capital outlays for waste disposal facilities or equipment. All assessments for liquid waste shall be assessed by volume.

(r) Utilize or dispose of by sale or otherwise any and all products or by-products of the solid waste management system.

(s) To exercise all powers and authority necessary to provide for closure and long term care of landfill sites. The Committee shall have the further authority to establish appropriate accounting and enter into appropriate financial agreements, which accounts and agreements shall deal with closure and/or long term care of landfill sites and also to provide funds for future capital expenditures and the landfills' continued development. The principal interest earned from these accounts and agreements shall be utilized for these purposes only, at the direction of the Solid Waste Committee, pursuant to Wisconsin Statutes.

(t) Exercise such other powers and perform such other duties as may be necessary to properly establish and operate a solid waste management system, and which are not inconsistent with subsection (5), the laws of the State of Wisconsin, the regulations of the Department of Natural Resources, or the

ordinance and resolutions adopted by the Oconto County Board of Supervisors.

15.105 Financing the County Solid Waste Management System. The Solid Waste Committee shall have the following restrictions on its powers:

(a) The Solid Waste Committee shall incur only those acquisitions, development, engineering, and operations costs in the solid waste management system which would be reimbursed to Oconto County, on a fee basis, within a reasonable time after the initial expenditures.

(b) The Solid Waste Committee shall obtain reimbursement on a fee basis from those municipalities or persons who use the solid waste management systems for any costs incurred, for the establishment and development of the solid waste management system.

(c) The Solid Waste Committee shall have not authority, on any basis, to levy taxes or borrow money for the solid waste management system from sources other than the Oconto County Board of Supervisors.

(d) The Solid Waste Committee shall submit to an annual audit of its books and records by auditors designated by the Oconto County Board of Supervisors.

(e) The Solid Waste Committee shall file with the Oconto County Board of Supervisors and annual budget of the proposed expenditures and revenue for the ensuing calendar year.

(f) The restrictions on the Solid Waste Committee powers set forth herein, shall not prohibit the Oconto County Board of Supervisors from either paying directly or reimbursing for any costs for the establishment, development, and operation of the solid waste management system, or any part thereof, without requiring the repayment of said costs of expenses by a fee from the municipalities or persons who use the solid waste management system and without the necessity of amending this section.

15.200 SOLID WASTE DISPOSAL OPERATION

15.201 Purpose: Solid waste disposal operations as defined and regulated in Chapter NR 500 Wisconsin Administrative Code are recognized as safe, sanitary methods of disposal of solid waste materials, provided that said operations are properly conducted. Therefore, said operations are herein regulated for the purpose of promoting and protecting the public health, safety, comfort, commerce and general welfare, and to provide assurance that natural resource of land may be restored and/or retained in useable form following the disposition of solid waste materials without creating a pollutant to air or water resources.

15.202 Applicability:

(a) This section shall govern those solid waste disposal

operations which are defined and regulated by the Wisconsin Department of Natural Resources, pursuant to Chapter NR 500 Wisconsin Administrative Code, and which are established, expanded, or managed within Oconto County by Oconto County or any other person.

(b) The Solid Waste Disposal Standards and Practices established in Chapter NR 500 Wisconsin Administrative Code, as may be amended, are incorporated herein.

15.203 Definitions:

(a) The definitions found in NR 500 series of the Wisconsin Administrative Code are incorporated herein.

(b) The word "person" as used in this section shall mean an individual, partnership, association, board, commission, committee, corporation, firm, company, institution, county, town, city, village, sanitary district, sewage district, or any combination thereof.

15.204 Solid Waste Disposal Operation. Any person who owns, establishes, maintains, conducts, expands, or manages a solid waste disposal operation, or permits the use of property for such, shall do so in conformance with those standards and practices required by NR 500 series of the Wisconsin Administrative Code.

15.205 Application for Solid Waste Disposal Operation Permit.

(a) No person shall own, establish, maintain, conduct, expand, or manage a solid waste disposal operation without obtaining an annual permit to do so from the Oconto County Solid Waste Committee and an annual license to do so from the Wisconsin Department of Natural Resources, said permit and annual license to terminate on September 30 of each year.

(b) Persons desiring a permit shall annually, before August 1, or at least 60 day before the desired effective date, make application to the Solid Waste Committee of form supplied by them. A separate application shall be made for each proposed solid waste disposal operation.

(c) Each applicant desiring a permit shall provide a surety bond satisfactory to the Committee which would be conditional upon compliance with this section. The amount of said bond shall be established by the Committee. A copy of the proposed surety bond shall accompany the permit application.

(d) Each applicant desiring a permit shall provide a copy of the license application or renewal submitted to the Wisconsin Department of Natural Resources.

(e) Each application shall be accompanied by those plans and materials required by this section, indicating how the provision of this section will be fulfilled.

(f) Upon receipt of the completed application, the Solid Waste Committee shall review the same. The Committee shall then determine whether a public hearing would be necessary prior to the issuance or denial of the solid waste disposal operation permit. If the Committee deems such public hearing unnecessary, it may issue or deny forthwith such permit based on the application, the surety bond submitted, and any other additional information required for its decision. If the Committee deems a public hearing as necessary, it shall publish, within a reasonable time, a Class 1 Notice of the application as defined by Sections 985.01 and 985.07 Wisconsin Statutes and hold a public hearing thereon prior to issuance or denial of a solid waste disposal operation permit. The applicant shall be notified by regular mail at least 7 days in advance of the hearing. The Committee, within 90 days from the public hearing, shall either issue a solid waste disposal operation permit or shall notify the applicant, in writing, that such permit will not be issued for reasons to be specified in the Committee's notice to the applicant.

15.206 Revocation of a Solid Waste Disposal Operation Permit: The Oconto County Solid Waste Committee may suspend or revoke any permit or any exemption granted as a part of a permit if the Committee has reasonable cause to believe that the solid waste disposal operation is not in conformance with this section.

Such action shall be taken only after notice in writing is given by regular mail, at least 7 days in advance to the person holding the permit, of the time and place that he/she may be heard on the proposed suspension or revocation.

15.207 Additional Solid Waste Disposal Standards: In addition to requiring the Solid Waste Disposal Standards and Practices of the NR 500 Series Wisconsin Administrative Code, The Solid Waste Committee, prior to the issuance of a solid waste disposal operation permit, may consider the following factors:

- (a) Surface drainage.
- (b) Soil Drainage.
- (c) Floodplain/floodway areas.
- (d) Wetlands
- (e) Erosion susceptibility.

(f) Economical and ecological effects on land immediately surrounding the disposal operations.

(g) Preservation of historical sites, water quality, forest, wildlife, and recreational areas.

(h) The location of the solid waste disposal operation in relation to comprehensive plans as adopted by the County and/or Municipal units of governments.

15.208 Maps, Plans and Reports: Persons desiring a permit shall submit, with their initial application for a permit, two copies of those drawing, specifications, photographs, maps, plans and reports required to be sent the Wisconsin Department of Natural Resources under the NR 500 series of the Wisconsin Administrative Codes, and shall submit any revisions or additions thereto prior to the subsequent annual review and annual issuance of the permit.

15.209 Requirements for Other Methods. Before any method of solid waste handling, processing, and disposing (including any method of resource recovery and recycling) not otherwise provided for by this section is established, complete drawings, maps, plans, reports, specifications, and design data shall be submitted to and by approved by the Solid Waste Committee, pursuant to the procedural requirement set forth in this section. All such information shall be prepared and submitted by a registered professional engineer, and a solid waste disposal operation permit shall be required from the Solid Waste Committee prior to the operation of any facility. The Solid Waste Committee shall not withhold such an operation permit if the method of solid waste handling, processing and disposing is in compliance with both the standards and practices set forth herein and those standards and practices established, or to be established, by the Wisconsin Department of Natural Resources.

15.210 Inspection and Enforcement: The Solid Waste Manager and any duly authorized officer, employee, or representative of the Solid Waste Committee may enter and inspect any property, premises, or place at any reasonable time for the purpose of determining compliance with this section.

15.211 Exemptions. The Solid Waste Committee may grant exemptions for any one or a number of requirements contained herein, provided the purpose and public interest of this section are served and are not contrary to state requirements.

15.212 Hour of Operation. No person shall deposit any solid waste in any landfill site or in any receptacle at the landfill sites operated by Oconto County during any hours other than those for which the landfill site are open for business. The hours of operation of each site will be posted at each site so as to provide reasonable notice as to hours during which the sites will be open.

15.213 Penalties. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$5,000.00 for each violation, together with the costs of prosecution. Each day of continued violation shall be considered a separate offense under this provision. It shall be the duty of the Oconto County Corporation Council to prosecute all such violations.

15.214 Remedial Action. Any violation of this section is a public nuisance. In addition to any action brought by the Corporation Council to enforce penalties contained herein, the Oconto County Board of Supervisors may institute, in the name of Oconto County, an action for injunctive relief to control or

prohibit any solid waste disposal operations not in compliance with this ordinance.